

ORDINANCE NO. ~~11-49~~

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 18 ENTITLED "BUSINESSES", ARTICLE II. CARNIVALS, SHOWS AND EXHIBITS, OF THE CODE OF ORDINANCES, PARTICULARLY, BY REVISING HIALEAH CODE § 18-29 ENTITLED "PERMIT; OPERATING STANDARDS" TO EXTEND THE FIVE CALENDAR DAY LIMITATION TO THIRTY DAYS FOR CARNIVALS IN THE HIALEAH PARK DISTRICT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the specific purpose and intent of this ordinance is to expand the 5-day limitation per sponsor for carnivals to 30 days for carnivals located and operated in the Hialeah Park District, which is the zoning district recently created for the entertainment complex to be development in conjunction with the Hialeah Racetrack.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 18 entitled " Businesses", Article II. Carnivals, Shows and Exhibits, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Hialeah Code § 18-29 entitled "Permit; operating standards", to read as follows:

Chapter 18

BUSINESSES

* * *

ARTICLE II. CARNIVALS, SHOWS AND EXHIBITS

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Sec. 18-29. Permit; operating standards.

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(g) Only one carnival will be allowed ~~per~~ for each calendar year ~~per~~ for each sponsor.

(h) A carnival shall only be allowed to operate for five calendar days for each sponsor, except that a carnival located and operated within the HPD Hialeah Park District may be extended for a time period not to exceed 30 days for each sponsor. A carnival that is extended for more than five days within the HPD zoning district may not be extended beyond 30 days through a change in sponsorship.

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Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

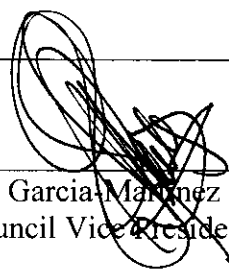
Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

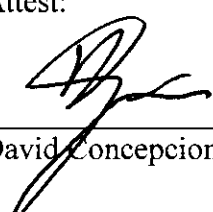
PASSED and ADOPTED this ~~26th~~ day of July, 2011.



Isis Garcia Martinez
Council Vice President

Attest:

Approved on this ____ day of _____, 2011.

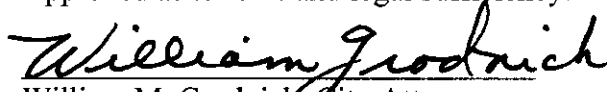


David Concepcion, Acting City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Hernandez and Yedra voting "Yes", Councilmember Gonzalez absent.